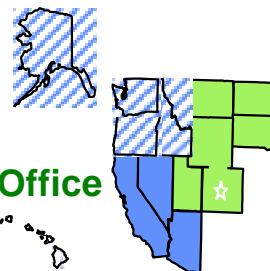




U.S. Army Environmental Center Western Regional Environmental Office

REGION VIII - DECEMBER 1999



WESTERN REGION REVIEW

This publication provides current information on significant regulatory developments and related information in the Federal Region VIII area (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming) that affect U.S. Army activities and operations. We appreciate your feedback and encourage suggestions for future discussion, or comments. Please contact us at U.S. Army Environmental Center, Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-2108, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272.

REGIONAL UPDATES/ALERTS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

FEDERAL REGULATORY DEVELOPMENTS

Air Quality • Under the Significant New Alternatives Policy (SNAP) program, the U.S. Environmental Protection Agency (EPA) recently listed additional acceptable substitutes for ozone-depleting substances (ODS). The new substances include Hydrofluoroether (HFE-7200) as an alternative for CRC-11 and methyl chloroform (MCF) in all solvents cleaning end-uses. The EPA notice also includes materials or compounds that would be suitable replacements in refrigeration & air conditioning, foam blowing, and aerosol solvent end-uses. The full text of this notice can be found on the web at <http://www.epa.gov/fedrgstr/EPA-AIR/1999/December/Day-06/a31544.htm>, and for more information, please contact Kelly Davis at (202) 564-2303 or by email at davis.kelly@epa.gov.

Brownfields • On 06 December 1999, the Clinton Administration announced its intention to expand the Brownfields Showcase Communities initiative to include 10 additional U.S. cities. The Showcase Communities are eligible to receive Administration-wide assistance and coordinated technical support for environmental cleanup and economic revitalization. Over the last two years, EPA has increased the expenditures for addressing brownfield issues by more than 50 percent to over \$126 million total. The General Services Administration obligated \$1 million to fund environmental assessment on federally owned properties. For additional information on the brownfields initiative or a copy of the *Brownfields National Partnership Action Agenda Accomplishments Report* visit the EPA's web site at <http://www.epa.gov/brownfields>.

Lead & Lead Compounds • The comment period on the proposed rulemaking to lower the thresholds for lead and lead compounds is scheduled to end on 16 December 1999. The proposed rulemaking has been written as a follow-up to the persistent bioaccumulative toxics proposed rule that was published on 05 January of this year. Lead and lead compounds are currently subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The proposed rule would not only lower the reporting thresholds but it would also provide for a limitation on the reporting of lead when contained in certain alloys. Written comments must be received by the EPA on or before 16 December 1999 and should be marked with the docket control number OPPTS-

400140. For further information on this rulemaking please contact Daniel R. Bushman at (202) 260-3882 or by email at bushman.daniel@epa.gov.

Superfund • The U.S. Environmental Protection Agency (EPA) recently published a public notice announcing that the agency is now accepting proposals for the Superfund Redevelopment Pilot Program until 10 March 2000. The aim of the EPA is to select pilot projects that will support local governments and promote their involvement in the decision-making process by encouraging them to assist EPA in determining future land use for Superfund sites. A full text of the notice is available on the web at <http://www.epa.gov/fedrgstr/EPA-WASTE/1999/December/Day-10/f32078.htm>, and more information is available by contacting Anne Hodge with the Office of Emergency and Remedial Response at (800) 424-9346.

Toxic Substances • A notice has been released by the U.S. Environmental Protection Agency (EPA) announcing the availability of data collected from public comments on the disposal of polychlorinated biphenyls (PCBs). Sample data is available on the maximum PCB concentrations found in a variety of materials, including adhesive tape, anti-fouling compounds, caulking, coal-tar enamel coatings, dried paint, fiberglass insulation, fire retardant coatings, floor wax/sealant, foam rubber insulation, plastics, roofing material, thermal insulation, and waterproofing compounds. The notice also solicits public comments on the potential risks of exposure to PCBs as well as the concentration of PCBs found in specific non-liquid PCB (NLPCB) applications. The comment submission deadline is 07 July 2000. The notice in its entirety can be viewed on the web at <http://www.epa.gov/fedrgstr/EPA-TOX/December/Day-10/t32079.htm>. Inquiries on this notice may be directed to Christine Augustyniak with the Office of Pollution Prevention & Toxics at (202) 554-1404.

Water Quality • The U.S. Environmental Protection Agency (EPA) recently submitted a Report to Congress, which was required according to EPA's fiscal year 2000 appropriations, prior to promulgation of the new Phase II storm water regulations. Full text of the EPA report is available on the web at <http://www.epa.gov/owm/sw/phase2>. Written comments on the new report are being accepted until close of business on 07 January 2000. For more information on the report or details on submitting comments, please contact George Utting with the Office of Wastewater Management at (202) 260-9530 or by email at sw2@epamail.epa.gov.

Water Quality • On 08 December 1999, a final rule was issued which would expand the existing National Pollutant Discharge Elimination System (NPDES) storm water program (Phase I) to also apply to storm water discharges from small municipal separate storm sewer systems and construction sites that interfere with one and five acres. A small municipal storm sewer system is defined as one that serves less than 100,000 persons. The rule does provide for the exclusion of certain sources from the national program based upon a demonstrated lack of impact on water quality. Under the final rule, storm water discharges from industrial facilities that have "no exposure" of industrial activities or materials to storm water are also allowed an exemption. This effective date for this regulation is 07 February 2000. For more information, please contact George Utting with the Office of Wastewater Management at (202) 260-5816 or by email at sw2@epa.gov.

CONFERENCES AND SYMPOSIUMS

Affirmative Procurement Implementation Seminar

The U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) Ground Water and Solid Waste Program is available to provide a one-day seminar on affirmative procurement at the installation or army activity level. The course is geared toward individuals in the procurement, contracting, environmental, and logistics fields. Seminar topics include: (1) affirmative procurement requirements and Executive Order 13101; (2) whom it applies to; (3) what items are included; (4) who is tracking all this and how; (5) achieving compliance -- what EPA will be looking for; (6) importance of

buying recycled -- why it makes sense; (7) environmentally preferable purchasing; (8) balancing costs and benefits; (9) toxic reductions; (10) recycled content; (11) energy savings; (12) safety; (13) disposal; (14) quality of product; (15) how the FAR incorporates affirmative procurement; and (16) how to write contracts to include affirmative procurement and recycling requirements. For further information, please contact John Bauer with CHPPM at (410) 436-2024, DSN 584-2024 or by e-mail at john.bauer@apg.amedd.army.mil.

Water Reuse 2000 • San Antonio, Texas • 30 January – 02 February 2000

The U.S. Environmental Protection Agency (EPA) is cosponsoring Water Reuse 2000 in San Antonio on 30 January-02 February 2000. Currently, the agency is soliciting abstracts to cover all aspects of water reuse, including: (1) agricultural reuse applications; (2) dual distribution system design & operation; (3) cross-connection control; (4) disinfection; (5) public outreach & education; (6) environmental enhancement through reuse; (7) health effects & risk assessment; (8) industrial reuse applications; (9) indirect potable reuse; (10) urban irrigation applications; (11) golf courses & parks; (12) regional program planning; (13) project economics, pricing, financing, rate setting & capital funding; (14) regulatory & institutional issues; (15) research projects; (16) reclaimed water treatment technologies; (17) innovative urban reuse applications; (18) toilets, car washes & graywater systems; and (19) water quality issues. For further information please contact Lynda Pumphrey at (303) 347-6203 or by email at lpumphre@awwa.org. More information is also available on the web at <http://www.awwa.org/00reuse/call/overview/htm>.

Pollution Prevention Operations & Management – Satellite Broadcast Course

The Air Force Institute of Technology (AFIT) Civil Engineer & Services School is offering a 5-day Pollution Prevention Program Operations & Management course (course #ENV 022) on both 27-31 March 2000 and 17-21 July 2000. The course is designed to emphasize pollution prevention concepts such as source reduction of hazardous & toxic chemicals, solvent substitutions, reuses & recycling, process changes, and environmental awareness. Additionally, the course introduces management techniques that can be utilized to implement a sound pollution prevention program, including: (a) establishing & running the program; (b) conducting pollution prevention opportunity assessments; (c) implementing process changes to incorporate pollution prevention; (d) assessing pollution prevention program success; and (e) establishing awareness training. For further information please contact AFIT/CEA at (937) 255-2156, DSN 786-2156. Additional details on this course and others offered by the AFIT Civil Engineer & Services School can be obtained on the web at <http://cess.afit.af.mil>. Also, it is important to note that this course is only offered through satellite broadcast, and registration closes 40 days prior to the broadcast.

HAZMAT 2000 Spills Prevention Conference • St. Louis, Missouri • 04 – 06 April 2000

This U.S. Environmental Protection Agency (EPA) conference is being held at the Regal Riverfront Hotel in St. Louis on 04-06 April 2000. It will offer the most up-to-date information on chemical accident prevention, counter-terrorism & special event planning, risk communication, CHER-CAP, the Emergency Planning and Community Right-to-Know Act (EPCRA), integrated contingency plans, ammonia refrigeration awareness training, and CAMEO (Computer-Aided Management of Emergency Operations) training. For additional information call (703) 934-3760 or email hazmat2000@nrt.org. Or access more details on the web at <http://www.nrt.org/hazmat2000>.

The UXO/Countermines Forum • Anaheim, California • 02 – 04 May 2000

The UXO Forum and the Countermines Symposium to examine the technologies, issues, and policies surrounding the UXO/Countermines arena will be held at the Anaheim Marriot on 02-04 May 2000. Abstracts are currently being solicited on the following topics: detection, clearance, disposal, active range clearance policy, and environmental security policy. For details on submitting abstracts and additional information on the conference please call Jeff Purdy at (703) 704-2784 or by email at TheForum@nvl.army.mil.

Real World Air Conference & Exhibition • Atlanta, Georgia • 15 – 18 May 2000

The U.S. Army Forces Command (FORSCOM) and the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) are partnering to conduct the second Real World Air Conference on 15-18 May 2000 in Atlanta. The conference's objective is to address air pollution issues that currently affect federal facilities. For further information please contact Sherri Hutchens at (410) 436-8149 or by email at sherri.hutchens@apg.amedd.army.mil or Rochelle Williams at (410) 464-7695 or by email at williaro@forscom.army.mil. Additional information on the conference can be found on the web at <http://chppm-www.apgea.army.mil/air/airconf/conf.htm>.

COLORADO***Legislative Developments***

Legislative Calendar • The Colorado General Assembly is scheduled to reconvene on 05 January 2000.

Regulatory Developments

Air Quality • Colorado's Department of Public Health & Environment has proposed an amendment to Regulation 11, the Motor Vehicle Emissions Inspection Program. The amending language would establish a "clean screen program" in the Denver-metro area, which would identify vehicles that do not require testing at a state inspection station. Should the amendments be adopted, they would not be effective until the year 2002. Written comments on the proposed amendments will be accepted until 10 December 1999, and a public hearing to address the issue is scheduled for 10 January 2000. For further details on this matter, please contact Mike Silverstein at (303) 692-3113.

Hazardous Waste • Hazardous Remediation Waste Management • During a meeting on 16 November 1999, the Colorado Hazardous Waste Commission adopted the U.S. Environmental Protection Agency's Hazardous Remediation Waste Management Requirements regulations (63 FR 65874-65957). The rule will become effective on 30 December 1999. For more information, please contact the Commission at (303) 692-3467.

Hazardous Waste • Hazardous Soils Treatment Standards and Exclusions • During a meeting on 16 November 1999, the Colorado Hazardous Waste Commission adopted the EPA's Land Disposal Restrictions Phase IV regarding hazardous soils treatment standards and exclusions (63 FR 28556-28753 and 64 FR 25408-25417). The rule will become effective on 30 December 1999. For more details, please contact the Commission at (303) 692-3467.

Hazardous Waste • Notification of Regulated Waste Activity • During a meeting on 16 November, the Colorado Hazardous Waste Commission adopted revisions to Part 99, which are the regulations that refer to EPA Form 8700-12, "Notification of Regulated Hazardous Waste Activity". The rule will become effective on 30 December 1999. For more information, please contact the Commission at (303) 692-3467.

Hazardous Waste • Treatment Variances From LDR Treatment Standards • During a meeting on 16 November 1999, the Colorado Hazardous Waste Commission approved revisions to Section 268.44 which will clarify amendments to the rule that authorizes treatment variances from the national Land Disposal Restriction (LDR) treatment standards (62 FR 64504-64509, and 63 FR 28556-28753). The rule will become effective on 30 December 1999. For further information on the adopted provision, please contact the Commission at (303) 692-3467.

Y2K • Enforcement Policy • Colorado's Department of Public Health & Environment recently announced their Y2K Enforcement Policy designed to provide guidance on enforcement for both

facilities which incur problems while performing Y2K tests prior to the year 2000 as well as facilities that end up violating any environmental regulations as a direct link to computer or equipment failure caused by the 31 December 1999 date change. The complete text of this policy can be found on the web at <http://www.cdphe.state.co.us/ic/y2kpolicy.htm>.

MONTANA

Legislative Developments

Legislative Calendar • The Montana State Legislature is biennial. The State's next regular legislative session is scheduled to begin in January 2001.

Regulatory Developments

Air Quality • Emissions Monitoring • Montana's Department of Environmental Quality has issued a proposed amendment to the State's Administrative Rules 17.8.1212 and 1213, requirements for air quality operating permit content. Coupled with this amendment are proposed new rules, Rules I – XIV, pertaining to air quality compliance assurance monitoring. A public hearing to consider the proposed adoption and amendment of the rules will be held on 25 January 1999. For more information, please contact David Rusoff at (406) 444-2544.

Air Quality • Operating Permits • Montana's Department of Environmental Quality has issued a proposed amendment to the State's Administrative Rules 17.8.1201 and 1225, Title V air quality-operating permits. The amendment would delete ARM 17.8.1201 because it is redundant, and ARM 17.8.1225 would be revised to specify that the permit shield does not extend to administrative permit amendments. A permit shield only applies to permit conditions that have gone through public review; administrative permit amendments are not subject to public review. A hearing on this proposal has been scheduled for 26 January 2000. For additional details and information, please contact David Rusoff at (406) 444-2544.

Air Quality • Particulate Matter • Montana's Department of Environmental Quality has issued a proposed amendment to the State's Administrative Rules 17.8.101, 308, and 320, the implementation of revised federal air quality standards for particulate matter (PM). Among other things, the proposed amendments would eliminate the current one-size class of particulate being monitored and regulated and add a definition of "PM-2.5," which represents the minimum rule change required by the U.S. EPA. A hearing on the proposal has been scheduled for 25 January 2000, and written comments must be received on or before 31 January 2000. For more information, please contact David Rusoff at (406) 444-2544.

Hazardous/Solid Waste • Military Munitions • Montana's Department of Environmental Quality (DEQ) has adopted new regulations regarding military munitions, Rules VIII through XIII. The rules were approved as they had been proposed. The regulations had been reformatted; however, they did not change in comparison to the U.S. Environmental Protection Agency's regulations. For further information or any questions, please contact Mr. Mark Hall at (406) 444-4096.

Water Quality • Nondegradation Requirements • Montana's Department of Environmental Quality has issued a proposed amendment to the State's Administrative Rule 17.30.705, nondegradation requirements for outstanding resource waters. The proposed language offers clarification that activities causing degradation are not permitted by State regulations and only short-term changes resulting from nonsignificant point source discharges are permitted. A hearing on this amendment has been scheduled for 19 January 2000, and written comments must be received on or before 25 January 2000. For further information, please contact John F. North at (406) 444-2873.

Water Quality • Operator Certification Fees • Montana's Department of Environmental Quality has issued a proposed amendment that would increase the certification fees for water & wastewater system operators from the current rate of \$30 to \$70 annually. The amendment also states that the certificates are valid for one year and may be renewed on a year-by-year basis. A hearing on this amendment has been scheduled for 14 December 1999, and written comments will be accepted on or before the deadline of 17 December 1999. For additional information on this proposal, please contact Debbie G. Allen at (406) 444-2630.

NORTH DAKOTA

Legislative Developments

Legislative Calendar • The North Dakota Legislative Assembly is biennial. The State's next regular legislative session is scheduled to begin in January 2001.

Gubernatorial Election • On 12 November 1999, John Hoeven, President of Bank of North Dakota, announced his intentions to seek the Republican nomination for governor. As you know from the November Review, Governor Ed Schafer (R) has declined to run for a third term. State Senator Gary Nelson, the Republican Majority Leader had already declared his campaign for the vacant seat as well.

Regulatory Developments

No significant regulatory actions have developed during this reporting period.

SOUTH DAKOTA

Legislative Developments

Legislative Calendar • The South Dakota State Legislature is scheduled to reconvene on 11 January 2000.

Regulatory Developments

No significant regulatory actions have developed during this reporting period.

UTAH

Legislative Developments

Legislative Calendar • The Utah State Legislature is scheduled to reconvene on 17 January 2000.

Regulatory Developments

Solid Waste • Waste Tire Recycling • Utah's Department of Environmental Quality has proposed amendments to its waste tire recycling rules. The proposed language would also implement updates to CFR adoptions regarding solid waste disposal facilities' acceptance of PCB-contaminated waste, increase flexibility in the schedule for collecting information required to establish background concentrations for ground water constituents at solid waste disposal facilities, and require solid waste incinerators to meet the Energy Recovery & Incinerator Standards of R315-306. Written comments will be accepted until 01 December 1999. For more information, please contact Carl Wadsworth at (801) 538-6769.

Water Quality • Wastewater Systems • Utah's Department of Environmental Quality has proposed amendments to the State Onsite Wastewater Disposal system rule by repealing R317-501-513, relating to the minimum requirements for the siting, design, construction, and operation of individual onsite wastewater treatment & disposal systems, and replacing those rules with R317-4. The new rule would reorganize the administrative requirements; design, materials, & construction requirements; and alternative & experimental technology procedures & requirements. A public hearing has been scheduled for 17 December 1999, and written comments must be received on or before 31 December 1999. For additional information, please contact Mary Fugate at (801) 538-6563.

WYOMING

Legislative Developments

Legislative Calendar • The Wyoming State Legislature is biennial. The State's next regular legislative session is scheduled to begin in January 2001.

Line-Item Veto • On 16 November 1999, the Joint Interim Judiciary Committee voted to sponsor a proposed constitutional amendment designed to restrict gubernatorial line-item veto power to just appropriations bills. At this time, the Governor's line-item veto power applies to any legislation with an appropriation attached. The Committee is planning to bypass Governor Jim Geringer (R) and send the proposed amendment directly to the Secretary of State's office to be issued as a ballot question in the next state election.

Regulatory Developments

Air Quality • Compliance Assurance Monitoring • Wyoming's Department of Environmental Quality has released proposed changes to Chapter 6, Permitting Requirements and Operating Permits, as well as a new section to Chapter 7, Monitoring Regulations and Compliance Assurance Monitoring (CAM). A public hearing on the proposals has been scheduled for 06 January 2000. Electronic copies of the proposed rules are available at <http://deq.state.wy.us/aqd.htm>. For additional information, please contact Dan Olson at (307) 777-7391.

Water Quality • Non-Point Source Management Plan • Wyoming's Department of Environmental Quality has released a draft plan for revising the state Non-Point Source Management Plan (NPSMP) to meet new federal requirements. A copy of the revised plan is available on the web at <http://deq.state.wy.us>. Written comments will be accepted until 22 February 2000, and oral comments will be allowed at the next meeting of the Wyoming Water & Waste Advisory Board on 24 February 2000.

Water Quality • Surface Water Quality Standards • The Water and Waste Advisory Board of the Wyoming Department of Environmental Quality has solicited public comment on the 4th draft of Chapter 1, Surface Water Quality Standards. The Water Quality Division has now extended the comment period until 14 January 2000. If you would like to submit comments, please address them to Chairperson, Water and Waste Advisory Board, c/o Administrator, Water Quality Division, Herschler Bldg. 4W, Cheyenne, Wyoming 82002. For additional questions, please contact Mr. Bill DiRienzo at (307) 777-7081.

Water Quality • Water Standard's Triennial Review • Wyoming's Department of Environmental Quality is currently engaged in the State's Triennial Review of the water quality standards for surface waters (Chapter 1, Sections 2, 4, & 8). The current draft of the proposed rule addresses the following issues: definitions of "wetlands" & "Wyoming Continuing Planning Process"; the water classification system; adoption of new narratives for biological criterion; toxics & priority pollutants; amendment of the turbidity standard; development of antidegradation implementation procedures; and other various changes. The Department will be accepting written comments on the draft rule until 07 January 2000. For further information, please contact Bill DiRienzo at (307) 777-7081.